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10 Attorneys for Plaintiff  
11 GERARDO HERNANDEZ

12 \* *Defendant's counsel listed after the caption*

13 UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 GERARDO HERNANDEZ

16 Plaintiff,

17 v.

18 ROSS STORES, INC.; MACHADO  
19 SAN ANTONIO PARTNERS, LLC;  
20 MGP REIT IX, LLC and DOES 1-10,  
21 inclusive,

22 Defendants.

Case No. C13-05956 LHK

Civil Rights

**STIPULATION AND  
[PROPOSED] ORDER TO  
EXTEND TIME UNDER F.R.C.P.  
RULE 12(F)**

Action Filed: December 26, 2013

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Attorneys for Defendant MGP IX REIT, LLC,  
erroneously sued as MGP REIT IX, LLC

STIPULATION AND [PROPOSED] ORDER  
TO EXTEND TIME UNDER FRCP 12(f)

Case No. C13-5956 LHK

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**STIPULATION**

**TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO ALL  
PARTIES AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:**

WHEREAS, this case has been assigned for early disclosures and mediation under General Order 56;

WHEREAS, plaintiff's deadline for filing a motion under Federal Rule of Civil Procedure ("FRCP") Rule 12(f) regarding defendant MGP IX REIT, LLC (erroneously sued as "MGP REIT IX, LLC") Answer is August 20, 2014;

WHEREAS, plaintiff and defendant MGP IX REIT, LLC wish to avoid the time and expense of briefing an FRCP 12(f) motion until/unless mediation under General Order 56 does not succeed;

WHEREAS, plaintiff and defendant MGP IX REIT, LLC presently disagree about the propriety of an FRCP 12(f) motion;

IT IS HEREBY STIPULATED by and among plaintiff and defendant MGP IX REIT, LLC that the deadline for plaintiff to file any motion under FRCP 12(f) be extended to 21 days past the date the mediator certifies that mediation under General Order 56 has been completed. It is also stipulated that 1) the parties shall meet and confer within 7 days after the mediation has been certified as completed; 2) that defendant MGP IX REIT, LLC shall thereafter be allowed an opportunity to voluntarily amend its answer prior to plaintiff filing any rule 12(f) motion; and 3) that any amended answer shall be filed no later than 7 days after the parties meet and confer.

**IT IS SO STIPULATED.**

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1 Dated: August 18, 2014

LAW OFFICES OF PAUL L. REIN

2  
3 /s/ Catherine Cabalo

4 By: CATHERINE CABALO, ESQ.

Attorneys for Plaintiff GERARDO HERNANDEZ

7 Dated: August 18, 2014

GLASER WEIL FINK HOWARD  
AVCHEN & SHAPIRO, LLP

9  
10 /s/ James Grant

11 By: JAMES GRANT, ESQ.

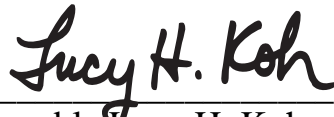
12 Attorneys for Defendant MGP IX REIT, LLC,  
erroneously sued as MGP REIT IX, LLC

**ORDER**

Pursuant to the stipulation of plaintiff and defendant MGP IX REIT, LLC, and for good cause shown, it is hereby ORDERED that the deadline for plaintiff to file any motion under Federal Rule of Civil Procedure 12(f) against defendant MGP IX REIT, LLC be extended to 21 days past the date the mediator certifies that mediation under General Order 56 has been completed. The parties shall meet and confer within 7 days after the mediation has been certified as completed. Defendant MGP IX REIT, LLC shall thereafter be allowed an opportunity to voluntarily amend its answer prior to plaintiff filing any FRCP 12(f) motion. Any amended answer shall be filed no later than 7 days after the parties meet and confer.

**IT IS SO ORDERED.**

Dated: \_ August 19, 2014



Honorable Lucy H. Koh  
United States District Judge

**FILER'S ATTESTATION**

Pursuant to General Order 45, section X(B), I hereby attest that on August 18, 2014, I, Catherine Cabalo, attorney with The Law Office of Paul L. Rein, received the concurrence of James Grant in the filing of this document.

/s/ Catherine Cabalo  
Catherine Cabalo